

Union Calendar No. 228

110TH CONGRESS
1ST SESSION

H. R. 814

[Report No. 110-367]

To require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2007

Mr. MOORE of Kansas (for himself, Mr. BACHUS, Mr. BURTON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. COBLE, Mr. CUMMINGS, Mr. LINCOLN DAVIS of Tennessee, Mr. GILLMOR, Mr. GUTIERREZ, Mr. HOLDEN, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Mr. MICHAUD, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SHERMAN, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce

OCTOBER 9, 2007

Additional sponsors: Ms. LORETTA SANCHEZ of California, Mr. BOSWELL, Mr. MORAN of Kansas, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. ROSS, Mr. HONDA, Ms. WOOLSEY, Mr. BARROW, Mr. OLVER, Mr. WAXMAN, Mrs. BOYDA of Kansas, Ms. HARMAN, and Mr. GORDON of Tennessee

OCTOBER 9, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Gasoline
5 Burn Prevention Act”.

6 **SEC. 2. CHILD-RESISTANT PORTABLE GASOLINE CON-**
7 **TAINERS.**

8 (a) CONSUMER PRODUCT SAFETY STANDARD.—
9 Within 180 days after the date of enactment of this Act,
10 the Consumer Product Safety Commission shall promul-
11 gate, as final consumer product safety standards under
12 section 9 of the Consumer Product Safety Act (15 U.S.C.
13 2058), child-resistance standards for closures on all port-
14 able gasoline containers. Such standards shall be substan-
15 tially the same as the standard ASTM F2517–05, issued
16 by ASTM International, or any successor standard issued
17 by ASTM International.

18 (b) APPLICATION OF CERTAIN PROMULGATION RE-
19 QUIREMENTS.—The requirements of subsections (a)

1 through (f) of section 9 of the Consumer Product Safety
2 Act (15 U.S.C. 2058 (a) through (f)) shall not apply to
3 the consumer product safety standards required by sub-
4 section (a) of this section.

5 (e) DEFINITION.—As used in this Act, the term
6 “portable gasoline container” means any portable gasoline
7 container intended for use by consumers.

8 (d) EFFECTIVE DATE.—The consumer product safe-
9 ty standard required by subsection (a) shall take effect
10 on the date that is 6 months after the date on which such
11 standard shall be promulgated.

12 (e) REPORT.—Not later than 2 years after the date
13 of enactment of this Act, the Consumer Product Safety
14 Commission shall transmit to the Committee on Energy
15 and Commerce of the House of Representatives and the
16 Committee on Commerce, Science, and Transportation of
17 the Senate a report on—

18 (1) the degree of industry compliance with the
19 standard promulgated under subsection (a);

20 (2) any enforcement actions brought by the
21 Commission to enforce such standard; and

22 (3) incidents involving children interacting with
23 portable gasoline containers (including both those
24 that are and are not in compliance with the stand-
25 ard promulgated under subsection (a)).

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Children’s Gasoline*
 3 *Burn Prevention Act”.*

4 **SEC. 2. CHILD-RESISTANT PORTABLE GASOLINE CON-**
 5 **TAINERS.**

6 (a) *CONSUMER PRODUCT SAFETY RULE.*—*The provi-*
 7 *sion of subsection (b) shall be considered to be a consumer*
 8 *product safety rule issued by the Consumer Product Safety*
 9 *Commission under section 9 of the Consumer Product Safe-*
 10 *ty Act (15 U.S.C. 2058).*

11 (b) *REQUIREMENTS.*—*Effective 6 months after the date*
 12 *of enactment of this Act, each portable gasoline container*
 13 *manufactured on or after that date for sale in the United*
 14 *States shall conform to the child-resistance requirements for*
 15 *closures on portable gasoline containers specified in the*
 16 *standard ASTM F2517–05, issued by ASTM International.*

17 (c) *DEFINITION.*—*As used in this Act, the term “port-*
 18 *able gasoline container” means any portable gasoline con-*
 19 *tainer intended for use by consumers.*

20 (d) *REVISION OF RULE.*—*If, after the enactment of*
 21 *this Act, ASTM International proposes to revise the child*
 22 *resistance requirements of ASTM F2517–05, ASTM Inter-*
 23 *national shall notify the Consumer Product Safety Commis-*
 24 *sion of the proposed revision and the proposed revision shall*
 25 *be incorporated in the consumer product safety rule under*
 26 *subsection (a) unless, within 60 days of such notice, the*

1 *Commission notifies ASTM International that the Commis-*
2 *sion has determined that such revision does not carry out*
3 *the purposes of subsection (b).*

4 *(e) IMPLEMENTING REGULATIONS.—Section 553 of*
5 *title 5, United States Code, shall apply with respect to the*
6 *issuance of any regulations by the Consumer Product Safety*
7 *Commission to implement the requirements of this section,*
8 *and sections 7 and 9 of the Consumer Product Safety Act*
9 *shall not apply to such issuance.*

10 *(f) REPORT.—Not later than 2 years after the date of*
11 *enactment of this Act, the Consumer Product Safety Com-*
12 *mission shall transmit to the Committee on Energy and*
13 *Commerce of the House of Representatives and the Com-*
14 *mittee on Commerce, Science, and Transportation of the*
15 *Senate a report on—*

16 *(1) the degree of industry compliance with the*
17 *standard promulgated under subsection (a);*

18 *(2) any enforcement actions brought by the Com-*
19 *mission to enforce such standard; and*

20 *(3) incidents involving children interacting with*
21 *portable gasoline containers (including both those that*
22 *are and are not in compliance with the standard pro-*
23 *mulgated under subsection (a)).*

Union Calendar No. 228

110TH CONGRESS
1ST Session

H. R. 814

[Report No. 110-367]

A BILL

To require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

OCTOBER 9, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed